

MINISTRY OF TRANSPORT AND COMMUNICATIONS

PROPOSAL

AS OF AUGUST, 2001

POSTAL SERVICES LAW

I. GENERAL REGULATIONS

Article 1

1. This law regulates the conditions and the way of the postal services performance in the domestic and international postal traffic, the provision of access for every customer to the adequate universal postal service throughout the territory of the Republic of Macedonia, introduction of competition in the performance of the postal services, the relationships between the customers and the providers of the postal services, as well as the issue of postal stamps and postal valuables.

Article 2

Certain terms in this law have the following meaning:

- **Postal services** are services that consist of receipt, sorting, transport and delivery of postal items;
- **Universal postal service** is a minimum extent of postal services constantly performed throughout the territory of the Republic of Macedonia having determined quality and affordable prices for the customers;
- **Public postal network** is a postal network of facilities, equipment and resources of all kinds, organized in a unique technical and technological entirety, and used by the PPO for performing postal services with the following aims:
 - receipt of postal items, according to the universal service obligations, from the postal network access points throughout the territory of the Republic of Macedonia,
 - transfer and sorting of postal items from the postal network access points to the delivery center, and
 - delivery of postal items on designated address;
- **Access points** of postal network are all kinds of physical facilities, including the postal boxes placed on public places or in the premises of the provider of the universal service where the postal items can be conveyed by the customers;
- **Receipt of postal items** is a process of collecting postal items conveyed on the access points;
- **Delivery of postal items** is a process of sorting postal items in the postal operator delivery center, as well as, transfer and delivery of postal items to the recipient;
- **Postal item** is an addressed item, which is transferred by a provider of a universal service. It can be:
 - ! ordinary postal item (letter, postcard, printed matters, prints for blinds small parcel etc.
 - ! item of correspondence (registered postal item, insured letter, postal money order etc) and
 - ! other postal items and services, according to the Nomenclature of postal services, that contains goods with or without commercial value;
- **Item of correspondence** is an item that contains written communication and should be dispatched and delivered by the universal service provider on the address designated by the

sender, on the item itself or on its cover. Books, catalogues, newspapers and periodicals shall not be regarded as items of correspondence;

- **Direct mail** is an item of correspondence, consisting only of advertising, marketing or publicity material with identical messages, except for the addresses name, address and other identification criteria as well as other modifications which do not amend the nature of the message, is sent to many persons and should be delivered on the address designated by the sender on the item itself or on its cover. Bills, invoices or financial statement shall not be regarded as direct mail. Communication that is a combination of publicity material and other items in the same cover shall not be regarded as direct mail;
- **Registered postal item** is a postal item for which Post gives a formal guarantee against risks of lost, theft or damage and for which the sender, on his own request, is provided with a document for the item delivery to the recipient;
- **Insured postal item** is a postal item which is insured up to the value marked by the sender in the case of lost, theft or damage;
- **International postal items** are items, which originate from, or are directed to the other countries;
- **Document exchange service** is the provision of facilities and equipment, organized for the mutual exchange of postal items among the members of a group of users subscribing to this service, including transportation by a third party;
- **Courier services** provide convey of the item of correspondence in a way that individual postal items are conveyed. In the interest of fast and reliable conveyance items are continuously accompanied by the service provider, from the receipt of the item from the sender to the delivery of the item to the addressee, so that access to the single item and necessary arrangements for its delivery are constantly provided;
- **Post restant** is a service for delivery of postal item which contains the mark “post restant in the recipient’s address” and is kept in the Office of Exchange mostly 30 days, from the day when it arrives to the day when it is taken by the recipient;
- **Terminal dues** are dues for which providers of universal service are charged for delivery of international items;
- **Sender** is a natural or legal person responsible for originating postal items;
- **Recipient** is a natural or legal person who receives postal items;
- **User** is a natural or a legal person benefiting from universal service provision as a sender or an addressee.
- **Public Postal Operator** is a Public Enterprise for Postal Traffic (further on referred to as : PPO);
- **Other postal operators** are legal or natural persons who perform postal services, within the universal postal service.

Article 3

The carrying out of postal services and the issuing of postal stamps are of public interest. Postal services can be public and for personal needs. PPO and other postal operators perform public postal services. Legal and natural persons for their own needs perform the postal services for personal needs.

Article 4

For the development of postal services in the Republic of Macedonia, the Government of the Republic of Macedonia establishes a strategy for development of postal services, including the steps for introducing competition. In order to realize this, the Government establishes a Program for development of postal services.

The Program from the sentence 1 of this article establishes the aims of development, depending on:

- the extend to which the tariffs of PPO reflect the costs, upon performing and providing postal services;
- the development of the public postal network, and
- the principles and the determination of the Universal Postal Union policy as well as, the international obligations of the Republic of Macedonia in the field of postal services;

Article 5

Postal services are:

- universal postal service (reserved and non-reserved postal services); and
- postal services that are not within the scope of the universal postal service.

Postal services are performed according to the conditions established in this Law, and other Laws, as well as with the international agreements passed by the Republic of Macedonia, or those to which the Republic of Macedonia has joined.

The Minister of transport and communications determines the Statute of general conditions for performing postal services and the Statute for Nomenclature for postal services.

II. CONDITIONS AND WAY OF CARRYING OUT UNIVERSAL POSTAL SERVICE

Article 6

The universal postal service has to be carried out in compliance with the following requirements:

- to offer a service in compliance with the users requirements;
- to offer identical service under comparable conditions;
- to make the service available for the users, without any form of discrimination, first of all from political, religious or ideological reasons;
- not to interrupt or terminate the service, except in the case of force major (natural catastrophes, epidemic etc.);
- it has to be developed according to the technical and financial possibilities of the postal operators and to meet the needs of the users.

Information concerning all conditions of carrying out the universal postal service, working time of the postal units immediately with the users of postal services, the scope of the services, their particular features, their tariffs and their expectable standards of quality shall be published to all users by the PPO and the other postal operators, in an appropriate way.

The universal service includes the receipt, sorting, transport and distribution of postal items up to 2 kg. and postal packages up to 31,5 kg.

The courier services and the document exchange service are not within the frame of the universal postal service.

As the universal service has to include conveyance of international postal items, the minimum and maximum dimensions of the international items shall be those laid down in the applicable regulations of the Universal Postal Union.

Article 7

As part of the provision of universal services according to art.6, it shall be ensured that all users have the possibility of access to a network providing the services within a reasonable distance from their places of residence by a sufficient density of the network, including letter boxes provides for the public and offices of the public postal operator.

Receipt and delivery of the postal items, covering all the settlements in the country, have to be carried out by the public postal operators network at least once a day during the working time.

If the receipt and delivery of the postal items cannot be performed on the whole area of the unit of the public postal operators network in the way mentioned in the sentence 2 of this article the area of the units of the public postal operators network can be divided into:

- a) closer area of a public postal operators network unit, where the reception and delivery of the postal items is performed in the way mentioned in the sentence 2 of this article;
- b) wider area of a public postal operators network unit where the reception and delivery of the postal items upto a determined mass, that is value, and the delivery of notices that postal items over the determined mass, that is value, had arrived, is done at least three times a week.
- c) the widest area of a public postal operators network unit where reception and delivery of postal items up to a determined mass that is value and the delivery of notices about the arrival of postal items over the determined mass, that is value, is done at least once a week.

The Minister of transport and communications shall be empowered to define by ordinance the way and the standards (regularity, reliability of services and the time of conveyance of postal items) as well as the area of the public postal operators network unit for performing universal postal service, in compliance with the sentence 3 of this article.

The area of the public postal operators network unit, in compliance with the item 3 of this article depends on:

- what kind of settlements are located in the area of the public postal operators network unit (types, size, density, economic and cultural development, and so on), the scope of postal services and the actual needs for the universal services in the relevant area of the network unit, as well as the economic capabilities of the PPO.

It shall be ensured that the public postal operators network enables:

- (80 %) of the letter-post items to be delivered on the workday following the workday of posting, and
- (95 %) of the letter-post items to be delivered on the second workday following the workday of posting.

PPO can provide postal services by making agreements with legal or physical persons.

PPO is responsible for the quality of postal services performed by legal and physical persons, based on the agreements passed between the PPO and legal or physical persons and in compliance with the sentence 7 of this article.

Article 8

The PPO provides the universal service throughout the territory of the Republic of Macedonia, unless this law regulates it otherwise.

The non-reserved postal services, within the scope of the universal postal service, can be performed by other postal operators under the conditions and way determined with the article 13 from this Law.

Other postal operators can perform the courier services, with an approval from the Ministry of transport and communications.

PPO and the other postal operators who perform international postal services directly make agreements with foreign subjects, in order to realize these international agreements within their authorization.

The passed agreements from the sentence 4 of this article are delivered to the Ministry of transport and communication for evidence.

Article 9

In order to ensure the continuous provision of the universal service, the PPO has the exclusive right of performing reserved postal services within the universal service.

The reserved postal services from the sentence 1 of this article include: receipt, sorting, transport and delivery of items of correspondence, including direct mail, in the domestic and international traffic, provided that these items weight less than 350 grams.

Article 10

The tariffs applied to the postal services within the universal service, provided by the PPO shall be approved by the Government of the Republic of Macedonia.

The tariffs from the sentence 1 of this article shall be in compliance with the following principles:

- the prices should be affordable and all users should have access to the offered services at uniform rates throughout the territory of the Republic of Macedonia,
- the prices should be determined with reference to the costs but at the same time the prices shall provide the Public Postal Operator with the funding necessary

- to provide the universal service at uniform rates throughout the Republic of Macedonia,
 - to develop the network and to invest in new technology to continue to improve the services, and
 - to respond to the technical, economical and social needs of the users.
- the prices should be objective, transparent and non-discriminatory.
- Tariffs approval is not required for postal services not being within the scope of the universal service, determined in the part 1 of this article..

Article 11

The Minister for transport and communications can prescribe for the PPO a special manner for a separate leading of the financial accounts for the reserved services and the services rendered in the conditions of a competition.

Regulations of this paragraph can be also applied to the other postal operators who provide postal services within the universal postal service.

III. REGULATORY AUTHORITY FOR POSTAL SERVICES

Article 12

The regulation of the postal services carried out and provided in the Republic of Macedonia is the task of the Ministry of transport and communications.

The Ministry of transport and communications is obliged to:

- implement the policy of the Government of the Republic of Macedonia in the domestic and international postal traffic;
- suggest to the Government of the Republic of Macedonia to undertake further steps for gradual and controlled liberalization in the performance of postal services;
- supervise and analyzes the provision and the development of the universal postal service and the other postal services and suggests undertaking appropriate steps;
- take suitable measure to prevent any distortion of competition in performing postal services;
- supervise the application of the approved tariffs for the universal service;
- make suggestions to the Government of the Republic of Macedonia for granting and taking off concessions for performing postal services, and follows the implementation of the law of the granting of concessions;
- supervise and controls the implementation of this law, regulations based upon this law and the international agreements passed by the Republic of Macedonia, or those to which the Republic of Macedonia has joined;
- perform some other activities established by the law.

IV. CONCESSIONS

Article 13

Besides, the PPO, can also carry out non-reserved postal services within the universal postal service, by other postal operators which have a concession for that.

On the suggestion made by the Minister of transport and communications the Government of the Republic of Macedonia shall issue concessions. They may be issued to domestic and foreign legal and natural persons, based on the results of the open competition.

The concession holder shall pay a fee occurring once and an annual fee for the period of using the concession, as well as a fee for the supervision and other activities in connection with the concession. The amount of the fee occurring once shall be adequate to the amount of the costs for the supervision and for other activities.

The owner of the concession can be asked to give a guarantee for paying the fees, in the amount not higher than the amount of the fee for the concession.

The number of concessions is not restricted and the procedure upon granting the concessions is open, transparent, unbiased and non-discriminatory. The criteria for granting concession are unbiased, adequate to the service and are shall be announced in the “Official Register of the Republic of Macedonia” and in the other means of public information.

Ministry of transport and communications is responsible for leading the procedure for granting concessions.

Article 14

The open competition shall be repeated if there is not any interested applicants.

If there is not any interested applicant at the repeated open competition, concession shall be granted in a procedure for collecting bids.

The concession shall be granted for the best bid, according to the economic, technical, experience and other criteria.

Article 15

The announcement for granting concession, according to the article 13 of this law, contains:

- kind of postal service for giving a concession;
- area of performing postal service;
- general and special conditions for performing the postal service;
- starting date and duration of the concession, as well as the terms for terminating the agreement, before the expiring date;
- the tariffs and the conditions intended for the concession;
- the attitudes for the tariffs, the prize policy and other conditions that the applicant is supposed to fulfill.
- supervision for performing a concession;
- way of settlement the disputes and other

Article 16

The duration of the concession, the mutual rights between the granter and the applicant, the conditions for performing the postal service, as well as the obligation for paying tariffs and their amount are regulated with the agreement for granting concession.

A concession is granted for a period not shorter than ten years and not longer than fifteen years.

The Minister of transport and communications can make a suggestion to the Government of the Republic of Macedonia to renew the concession, if during the validity of the agreement the applicant applied to the conditions determined in the agreement for concession.

The Government of the Republic of Macedonia must not transfer the concession, totally or partly, without a prior approval.

Article 17

The concession agreement shall be not valid:

- after the expiring date, and
- after the termination, before the expiring date.

Article 18

The Government of the Republic of Macedonia shall take away the concession from the applicant if:

- does not start to perform the activity from the concession, within the period determined by the agreement;
- the postal network is not prepared for performing the postal service from the concession;
- the tariff for concession or the annual tariff for supervision and other activities is not paid;
- does not obey the obligations according to the concession agreement.

V. ISSUE OF POSTAL STAMPS AND VALUABLES

Article 19

The PPO has the unique right to issue postal stamps and postal valuables, post cards, gross envelopes (envelopes with stamps printed upon), commemorative postal marks, philately envelopes, issued on the day of the issue of postal stamp (FDC), catalogues and other philately products.

PPO makes an annual program for issuing postal stamps which determines: the type of postal stamps, the design, number of copies printed, printing technique, face value of each postal

stamp in the series or face value of the commemorative card, and the date when they are put into circulation.

The Minister of transport and communications approves the program from the sentence 2 of this article.

PPO publishes the issue of postal stamps in the newspapers; it exchanges postal stamps with foreign postal operators through the Universal Postal Union, and passes agreements for sailing postal stamps and other philately material on the domestic and foreign philately market.

PPO sails and exchanges international reply coupons.

VI. SPECIAL CONDITIONS FOR CARRYING OUT POSTAL SERVICES

Article 20

Postal services shall be carried out according to an agreement passed between the PPO or some other postal operator (further on referred to as: postal operators) as providers of postal services, and the user of postal services, under the conditions determined by this law and the General conditions for performing postal services.

For the transfer of certain postal items, conditions defined by another law have to be fulfilled as follows:

- for the items in the domestic postal traffic, containing matters for whose transfer an approval from the competent authority body is necessary - the sender is to furnish the postal item with such an approval.
- for the items in the international postal traffic whose content is liable to customs examination and/or to a foreign exchange control - should be acted according to the customs or foreign exchange provisions.

Certain rights and obligations from the agreement, sentence 1 of this article, according to the regulations of this law are transferred to the recipient from the moment of a postal item delivery, that is the moment of a trial for a postal item delivery.

Postal operators are responsible to transfer and deliver postal items to the recipient, within the regulated period of time, in the condition in which the item was conveyed to the postal operator by the sender.

Article 21

Postal operators have to maintain the secrecy of postal items while performing postal services.

Postal operator's employees must not:

- find out the content of the postal item in an unauthorized way, except when it is damaged, and to keep, hide or convey the postal item to unauthorized persons;
- communicate to an unauthorized persons the content of the postal item, the time when it was conveyed or received, who is a sender or a recipient, as well as the size and weight of the postal item, and

- make possible and help unauthorized persons, in a non-permitted way, to find out the content of the postal item.

The unauthorized persons from part 2 of this article are all the persons, except the sender, the addressee or the persons authorized by the sender and the addressee.

The employees are obliged to keep the secrecy of the information, from the item 2 of this article given to them during the performance of their working activities. The obligation shall endure after the termination of their work at the postal operator, though that the commitment arose.

The prohibitions of item 2 of this article are not applicable in the following cases:

- upon investigating the addressee or sender of an undeliverable item when this cannot be done in other way, and
- when there is a decision by an authorized court.

Article 22

The postal operators or their employees must not interrupt the conveyance of a certain postal item, to prevent its immediate delivery or to hand it to persons not authorized to receive it.

Article 23

The users of postal services have a right and obligation to choose the type of postal service that corresponds to the nature, or the type of the content and meaning of the postal item, that is the real value of the postal item.

Article 24

The conveyance and transfer of the following postal items is prohibited:

- postal items containing messages calling for destruction of the constitutional order of the Republic of Macedonia and encouraging military aggression or inciting national, racial or religious hate or intolerance;
- postal items containing explosive and easy inflammable things, as well as things whose transfer is dangerous for the other postal items, postal equipment and means of transportation or for the health and life of the people and environment;
- postal items containing drugs, except in the cases when senders and recipients are persons who are authorized by Law, in compliance with the regulations for production and turnover of drugs;
- postal items containing live animals, except for the bees, leeches or silkworms;
- postal items which, according to their package, are dangerous for the operator's employee, means or facilities and can make dirty or can damage the other postal items or equipment;
- postal items containing other things whose turnover is forbidden by Law;

The treatment of the postal items from the sentence 1 of this article is regulated by the General conditions for performing postal services.

Article 25

The sender is responsible for the inner packing of the postal item.

The sender is responsible for all damages done by his item to other postal items, postal operator facilities and transportation means, as well as for injuries or death of postal operators employees and other persons, if this occurred because that item contained objects whose transport is prohibited, because of disregarding of the special conditions for transportation of certain objects which were found in his/her postal item or because of impropriety of the wrapping of the item.

Article 26

The tariff for carrying out postal services shall be paid in advance, if not otherwise regulated by an agreement between the postal operator and the user of postal services.

The tariff for carrying out the postal services of the public postal operator may be paid in stamps being in circulation; by use of a franking-machine, in cash or by other legal means of payment.

The use of a franking-machine is established by a contract between the public postal operator and the users of postal services in compliance with the General conditions for carrying out postal services.

By exclusion the public postal operator carries out transfer of ordinary letters and postcards for which the postage has not been paid in advance or has been insufficiently paid. The postal operator has the right, in case of returning back of the item, to collect the postage, which was not paid, from the sender of the item.

If the sender refuses to pay the postage amount, stipulated in sentence 4 of this article, against the returning of the postal item, the letter mail shall be considered undeliverable.

Article 27

The postal items are delivered to the addressee himself or to the person being authorized by him for the receipt of the item, in his flat or business premises, or in the business premises of the relevant postal operator.

By exclusion to the sentence 1 of this article:

- certain kinds of postal items may be handed to an adult member of the household, to a person being a full-time employee in the household or the business premises of the addressee under the conditions and according the procedure established by the general conditions for operating universal postal services;
- ordinary and recommended items without redelivery note, as well as urgent ordinary letter posts which could not be handed directly, may be handed by throwing them into residential or group postal boxes;

As for the handing of court letters and letters according an administrative procedure, the special principles, referring to the handing of such letters, are in effect.

Article 28

If a registered postal item can not be delivered because the recipient, i.e. the person who is authorised by the recipient to receive it is not in his/her residence or in the recipient's business premises, the recipient, i.e. the authorised person is given written communication about the second delivery of that postal item and when he/she can take that postal item from the defined public postal operator network unit.

If the recipient, i.e. the authorised person is given written communication about the arrival of the postal item before the expiration of the delivery term, it is considered that the postal operator has fulfilled its obligation for that postal item delivery, within the established term.

The recipient is not obliged to receive the arrived postal item, by the receipt of the written communication.

Article 29

Postal operators are obliged to issue the sender an acknowledgement of receipt of the registered item.

Article 30

The postal item, which is delivered in the public postal operator network unit, can be taken:

- within five days - if it is addressed to the recipient who is situated in the closer area of PPO network unit;
- within eight days - if it is addressed to the recipient who is situated in the more distant area of PPO network unit;
- within 15 days - if it is addressed to the recipient who is situated in the most distant area of PPO network unit, and
- within 30 days - if the postal item is for "post restante"

There is an exemption from the regulation of sentence 1 of this article when the parcel from abroad can be taken:

- within 15 days - if the parcel is addressed to the recipient who is situated on the closer or more distant area of public postal operator network unit; and
- within 30 days - if the parcel is addressed to the recipient who is situated on the closer or more distant area of public postal operator network unit;

If the postal item contains bees, leeches and silkworms it must be taken within 24 hours, from the moment of the arrival of the item in the postal network unit, doesn't matter if it is addressed to the recipient who is situated on the closer, more or the most distant area of PPO network unit;

The periods of time in sentence 1 and 2 of this Article are valid from the day following the day of giving the written communication for the arrival of postal item, i.e. from the day of arrival of the postal item "post restant", or arrival of postal item about PO box in the defined PPO network unit.

Article 31

If the sender does not establish it in the other way, the postal item is sent back to the sender in the following cases:

- if the recipient refuses to receive it;
- if the recipient is unknown;
- if the postal item can not be delivered because the recipient has traveled or moved away, except when the postal item is sent to another place designated on the address of the item (sending the item through the addressee);
- if the postal item can not be delivered to the recipient because the address is incomplete;
- if the recipient does not take the postal item within the term established in article 30 of this Law;
- if the recipient died

There is an exemption from the sentence 6 of this article, when ordinary items of correspondence can be delivered to the member of the family of the died recipient.

Article 32

The sender has the right to possess the delivered postal item until the item is handed to the addressee and he/she may, by means of additional payment to a corresponding postage, under the conditions and according the procedure established by the general conditions for operating universal postal services, ask for:

- the address of the item to be changed or supplemented;
- the item to be returned to him/her;
- the registered item to be strained with a redemption, the redemption amount to be increased, decreased or to be called off from the redemption;
- the parcel to be sent through the addressee, or the parcel not to be sent through the addressee.

The addressee may, by means of additional payment to the corresponding postage, under the conditions and procedures determined in General conditions for performing postal services, ask for:

- postal items “post-restante” to be delivered in his flat or business premises or in the flat or business premises of the person appointed by him/her;
- the received items, except the court letters and letters according an administrative and infringement procedure, to be kept as items “post-restant”, or to be sent to him at a new destination, and to be delivered at that new destination either in his flat or business premises, in the flat or business premises of the person appointed by him, or the same to be kept as items “post-restant”;
- the postal items arrived for him, not to be handed to persons mentioned in article 27 of this law, but only to himself in person;

- all urgent items, except the court letters and letters according an administrative procedure, as well as the notices about the arrival of such items to be put into his/her post-office box (P.O.B);
- all or certain postal items to be handed to him/her as urgent;
- money order amounts to be posted by telegraph to the new destination.

Article 33

If a parcel, upon the request of either the sender or the addressee, is sent to another place not being denoted in the parcel address (sending a parcel through the addressee), postage for acknowledging the public postal operator network unit, which has to carry out the sending of the parcel through the addressee, is collected from the applicant of the request, while the postage for sending the parcel through the addressee - is collected from the addressee against the handing of the parcel.

For a parcel which will be returned to the sender, because it could not be delivered to the addressee due to valid reasons (article 31 of this law), postage for returning the parcel and postage for the special services given at the returning of the parcel are collected from the sender, as well as, charges for repackaging, if it was necessary because the sender did not pack the parcel in the way corresponding to its content.

If a redemption letter post is returned to the sender because of the impossibility of handing it to the addressee, the sender is charged a postage for returning of that item.

Article 34

The users of the universal postal services may also receive registered postal items through a person who has a power for attorney.

As to issue a power of attorney according to sentence 1 of this article, in addition to the general rules for issuing the power of attorney, the following is in effect, too:

- power of attorney may not be issued to a person who is illiterate or can not put a signature;
- user of the universal postal services may empower three persons, at the most, by means of one power of attorney, as for them to receive registered items;
- Individual's power of attorney and/or the withdrawal of the same must be certified by a notary public;
- power of attorney must be deposited at the universal service provider network unit where the authorised person will receive registered items.

Article 35

The PPO has the right to place postal facilities, for collection and delivery of postal items, on public places and streets, including the mail boxes in order to provide a better access to its network and a more efficient service to the users.

For addressees whose place of residence are not situated within densely populated areas or has a distance of more than 200 m. away from public usable streets, postal items are delivered by the use of postal boxes, placed and maintained by PPO.

The location for placing postal boxes is determined by the local self-government, on suggestion of PPO.

Article 36

The investors of the residential buildings in public ownership and the owners of residential buildings that is flats are obliged to place boxes for postal items delivery at the entrance of the residential building or in the yard. Those boxes have to be maintained by the owners of the residential building or the flat.

If this is not provided, the postal operator may exclude the sender from the deliverance, sending him a written announcement to fulfill the conditions from the sentence 1 of this article.

Article 37

The postal item which cannot be delivered to the recipient, or sent back to the sender (undeliverable postal item), will be checked by a commission from the postal operator, and if there is a need, the commission will open it in order to establish the recipient's or sender's address.

If the postal item can not be delivered to the recipient or send back to the sender, even in the case of the inspection made by the commission, according to item 1 of this Article, the postal operator will:

- destroy immediately the ordinary item of correspondence (letter, postal card, printed matter etc.) which contains only written communications, in the presence of a commission;
- the other postal items will be kept for a period of one year, from the date of the inspection made by the commission.

The public postal operator will keep undeliverable postal money order for a period of three years, from the date when it has been proclaimed undeliverable.

Article 38

Upon the inspection of the undeliverable postal item if it is established that the item's contents is perishable, with an exception from the regulation of article 37, sentence 2, item 2 of this law, the postal operator will perform a public sale of the part from that item that is perishable on behalf of the sender, and according to the procedure established in the general conditions for operating postal services.

If the value of the postal item is small compared with the costs about the public sale, or if there is a danger that the item's contents will be spoiled or has been already spoiled, this item can be sold by the postal operator without public sale.

If the postal item sale, according to the regulations from sentence 1 and 2 of this Article is not possible, the postal operator will destroy that postal item in the presence of the commission.

Article 39

If an undeliverable postal item is not required within the term established in the article 37, sentence 2, item 2 from this law, the postal operator will disclose this postal item's contents to the public sale - if it has a circulation value, and if it does not have a circulation value postal operator will destroy the postal item.

The amount of money, got by the sale of the postal item's contents, from sentence 1 of this article, together with the money found in the postal item will be kept by the postal operator for two years, from the expiration term, according to the article 37, sentence 2, item 2 of this law.

The amount of money from sentence 2 of this article, minus the real costs of the postal operator (storage of postal item, postal item's contents sale, sending this amount of money etc.) will be paid to the sender if he/she makes a payment requirement within the term set in sentence 2 of this article.

If the payment requirement is not made within the established term, the amount of money shell belongs to the postal operator, as an extra income.

The amount of money from the undeliverable postal money order will belong to the postal operator as an extra income, within the period of three years from the date when it was proclaimed undeliverable.

Identity papers, testimonies and other documents found within the postal item, according to sentence 1 of this article, will be delivered by the postal operator within 30 days, at last, from the day of the inspection made by the commission, to the body, which issued these identity papers, testimonies or documents. If it is not possible they will be delivered to the authorised administrative body on which territory the sender receives the postal item.

Article 40

If the sender or the other authorised person considers that the postal item is not delivered to the recipient, or that it is delivered with a delay, he/she may submit a written complaint to the postal operator, within three months from the postal item delivery date.

The complaint from sentence 1 of this article should be submitted to the postal operator network unit in which the postal item has been delivered, or to any other postal operators network unit.

The postal operator is obliged to answer the complaint within 30 days, following the day of its submitting.

If the sender or the other authorised person does not submit a complaint from sentence 1 of this Article within the set term, he/she loses the rights that belong to him/her according to the

regulations from the article 41 to the article 47 of this law if the postal item is lost, or if the transfer and delivery term is exceeded.

If the signs of damage can be noticed from the outside, the recipient, or the other authorised person can immediately, upon the delivery, make a complaint to the postal operator about a damage or reducing the postal item contents. If the signs of the damage can not be noticed from the outside, the recipient can make a complaint within three days from the date of postal item receipt.

In the case of visible signs of damage from the outside, the recipient or the other authorised person can also make a complaint to the postal operator within 24 hours from the moment of postal item receipt, if there are justified reasons that he/she was not able to make a complaint upon the postal item delivery.

If the sender or the other authorised person does not submit a complaint within the term set in the sentence 5 and 6 from this article, he/she loses the rights that belong to him/her, according to the regulations from the article 41 to the article 47 of this law, in the cases when the postal item is damaged or its contents is reduced.

If upon the delivery of a booked postal item to the recipient, or to other authorised person is found that its weight is the same as the weight upon its giving for transfer, that there are not any visible signs of damage on it and that the seals and other wrapping materials on it are not damaged it is supposed that the same postal item is undamaged, according to the regulations of this law.

Postal operators have to investigate the cases mentioned in this article and all other cases of complaints of users in a sufficient manner and in a reasonable period of time, established by this law.

If not regulated otherwise by this law, or by other law, for all complaints related to contracts concerning the conveyance of postal items between users and postal operators, the regulations of obligatory law will be used.

VII. RESPONSIBILITY OF THE POSTAL OPERATORS

Article 41

In the cases of lost or damage of the registered postal item, reduction of its content or exceeding the term for its transfer and delivery, the postal operators are responsible according to the regulations by this law.

Postal operators shall be free from responsibility if they prove that lost or damage of the registered postal item, reduction of its content or exceeding the term for its transfer and delivery are result of reasons outside and it was impossible to predict, avoid or remove these reasons, because of the nature of the content of the registered postal item or by guilt of the sender.

In the international postal traffic postal operators are responsible according to the international laws.

Article 42

In the case of lost or total damage of the content of the recommended postal item, or exceeding the term for its transfer and delivery, postal operator are obliged to pay to the sender or to some other authorized person for:

1. lost or total damage of the content of the recommended postal item - ten times of the amount paid for postage for transfer of that item;
2. for lost or total damage of the content of an urgent recommended postal item - twenty times of the amount paid for postage for transfer of that item;
3. for exceeding the term for transfer and delivery of the registered postal item - five times of the amount paid for postage, i.e. of the tariff paid for transfer of that item;
4. for exceeding the term for transfer and delivery of very urgent parcel - ten times of the amount paid for postage, i.e. of the tariff paid for transfer of that item;

Article 43

If the sender or some other authorized person prove that in the case of lost or total damage of the content of the registered postal item, or exceeding the term for its transfer and delivery he/she suffered the damage bigger than the amount which postal operators are obliged to pay for, according to the regulations from the article 42 of this law, the postal operators are obliged to pay for the proven damage, but maximum the double amount of the established one in the article 42 of this law.

Article 44

In the case of partly damage or reduction of the content of the recommended postal item, the postal operators are obliged to compensate the damage to the sender or to other authorized person for:

1. partly damage or reduction of the content of the recommended postal item - at most ten times of the amount paid for postage for transfer of that item;
2. partly damage or reduction of the content of an urgent recommended postal item - at most twenty times of the amount paid for postage for transfer of that item;

Article 45

In the case of lost, damage or reduction of the content of a parcel with declared value, i.e. insured letter, the postal operators are obliged to compensate the damage to the sender or to other authorized person at most of the previously determined value of the parcel, i.e. of the insured letter.

In the case of lost or incorrect payment of postal money order, the postal operators are obliged to compensate to the sender or to other authorized person the damage, i.e. the total amount of money.

If the cash on delivery postal item is handed to the addressee, i.e. to the authorized person, the postal operator is responsible for the amount of the item, and if this item is lost, damaged

or with reduced content, the postal operator is obliged to compensate the damage to the sender or to the authorized person, in compliance with the regulations from the article 42 of this law and sentence 3 of this article.

Article 46

In the case of lost or damage of a parcel, that is an insured letter, as well as lost or incorrect payment of postal money order, postal operators are obliged to compensate to the sender or to other authorized person, besides the amount from the article 42, i.e. the article 44 of this law, the paid postage for transfer of the parcel, insured letter or postal money order. The paid postage for the previously determined value of the parcel, i.e. insured letters, is not returned..

Article 47

If, besides exceeding the term for transfer and delivery of registered postal item, there is a partly damage or reduce of the content of the item, the postal operators are not obliged to compensate larger total amount for the damage, than the amount for the lost of that item is.

VIII. REALIZATION OF CLAIMS

Article 48

The user of postal services, within 6 months from the date of the delivering of the postal item, may realize the claim by submitting to the postal operators a written demand for compensation of damage or other claims in connection with carrying out postal services, according to the general conditions for carrying out postal services.

If within 30 days, following the day of submission of the claim for compensation of damage from sentence 1 of this article, the postal operators do not respond to the claim, the user of the postal services has the right to lodge a complaint to the court in charge.

The postal operators are obliged to pay to the user of postal service, or to a person authorized by him, a default interest, commencing from the day of submitting a demand according to the sentence 1 of this article.

Article 49

If the lost postal item or a part of that item is found after the payment of the amount, according to the article 42 of this law, or after the compensation of the damage, the postal operators are obliged to inform about that the sender, or the authorized person to whom the amount, or the compensation of damage is paid.

According to the sentence 1 of this article, the sender or the other authorized person may ask to receive the found postal item, or a part of that item, if he/she returns the amount of money

paid to him, within 15 days following the day he/she received the information that the lost item, or a part of that item is found.

If the sender, or the other authorized person does not submit a demand for receiving the found postal item, or a part of that item within the term regulated in the sentence 2 of this article, the postal operators got a right to possess the found postal item, or a part of that item.

IX EXPIRATION OF CLAIMS

Article 50

The claims by the postal operators towards the users of postal services and vice versa because of less or more paid tariff for postal services or other costs, as well as other claims expired for one year, if not regulated otherwise by another law.

Article 51

The expiration is commenced from:

1. the day of payment - in the case of claims for less or more paid amount of the price for postal services or other costs;
2. 15 days after the expiration of the date for transfer and delivery of the postal item - in the case of claims for cash on delivery postal items;
3. the day of handing the postal item - in the case of claims for partly lost or damage, i.e. reduce of the content of the registered postal item or exceeding the term for transfer and handing the postal item;
4. 30 days after the expiration of the term for transfer of the postal item - in the case of claims for lost of registered postal item;
5. the expiration of the term for carrying out the postal service - in all other cases

Article 52

The expiration is stopped when the demand for payment is delivered to the postal operators in a written form and is continued when a written answer to the demand, together with the enclosures delivered previously with the demand, is delivered to the user of the postal service and to other authorized person.

The expiration can not commence, in any case, before the expiration of 30 days following the day of receipt of the postal operator's answer to the demand.

The expiration can not be stopped by additional demands referring to the same postal item.

X. FOUND THINGS

Article 53

Things found in the business premises of the postal operators, the access to which is forbidden for the users of postal services, as well as things found in a postal box, or in a postal means of transportation and if a fact is undoubtedly established to which postal item they belong, shall be put in that item.

If a fact to which postal item belong the things found, from the sentence 1 of this article, can not be established, the above mentioned things are left to the postal operators, to keep them.

Article 54

If the owner of the thing found does not appear to take it within three months, from the day he/she was informed, the postal operators might sell it on a public sale, according to the procedure established in the general conditions for operating postal services.

If the thing found has a small value, compared with the costs of the public sale, or if there are some indications that it will perish or is already perished, the postal operators may sell it without public sale.

The amount from the sale of the thing found, without costs, and the money found are being kept for one year, following the day the thing or the money is found.

If the owner is not found or he/she does not appear within the term established in the sentence 3 of this article, the amount of money from the sale of the thing, i.e. the money found shall belong to the postal operators, as an extra income.

If the owner of the identity papers, certificates and other documents found can not be found and does not appear within the term established in the sentence 1 of this article, the postal operators are obliged to deliver these identity papers, certificates and other documents to the body, i.e. organization that issued them, and if it is not possible, to the authorized body from the administration on whose territory the item is received by the sender.

Article 55

The general regulations for treatment of the things found, that are used for immediate work with the users of postal services, apply for the things found in the business premises of the postal operators.

XI. SUPERVISION

Article 56

The Ministry of transport and communications supervises the implementation of this law and regulations based upon this law, as well as the international agreements passed by the Republic of Macedonia, or those to which the Republic of Macedonia has joined.

The supervision of the regulations applied according to this law, the State Inspection of transport performs regulations based upon this law and the implementation of the agreements for concession passed in compliance with this law, by the Inspectors for postal traffic.

Article 57

If the inspector for postal traffic finds out a violation of the regulations for rights and obligations during the provision of postal services, according to the regulations of this law and those based on it, he/she shall issue an order for removing the established irregularities and defects, within the established term.

Article 58

The inspector for postal traffic, during the supervision is authorized for the following:

- to perform a quality control in connection with the receipt, sorting, transfer and delivery of postal items;
- to control whether the terms for transfer and delivery of postal items are respected;
- to control the technical-technological organization and function of the public postal network;
- to prohibit temporarily the use of the public postal network facilities if he/she finds certain irregularities;
- to prohibit the activity of a postal operator without agreement for a concession;
- to control the application of the price list for postal services by the postal operators;
- to control the placed postal boxes

Article 59

The postal operators are obliged to make possible for the inspector for postal traffic to enter into the business premises and have access to the facilities, to give the inspector the necessary information and documentation and to deliver the necessary information and documents, on the inspector's request.

Article 60

For inspector for postal services is appointed a person with a university degree, i.e. a school of transportation - major postal traffic, law schools or school of economics and working experience of at least three years in his/her field.

Article 61

During the supervision the inspector for postal traffic is obliged to have a business identity card, as a proof of his/her identity and, if asked, to show it.

Minister of transport and communications regulates the form, the content and the way for issuing and taking off the business identity card, to and from the inspector for postal traffic.

The Minister of transport and communications issues the business identity card from the sentence 1 of this article.

Article 62

The inspector for postal traffic performs the inspection independently and by authorization established by this law and other regulations..

The inspector, from sentence 1 of this article, makes a decision, and against this decision a complaint, within eight days following the receipt of the decision, may be submitted to the authorized Commission of the Government of RM, which decides in second degree.

XII. PENAL REGULATIONS

Article 63

A penalty of 20.000 to 300.000 denars shall be applied for a legal person if he performs reserved postal services within the scope of the universal postal service, not according to the article 9 sentence 1 from this Law.

The responsible legal person, according to the sentence 1 of this article, will have to pay a penalty from 20.000 to 50.000 denars.

The penalty of 10.000 to 40.000, under sentence 1 of this article, will be charged to the natural person.

Article 64

The penalty of 30.000 to 60.000 denars shall be applied for a legal person who knowingly conveys or transfers postal items which:

1. contains messages calling for destruction of the constitutional order of the Republic of Macedonia and encouraging military aggression or inciting national, racial or religious hate or intolerance (article 24, sentence 1 of this law);
2. contain explosive and easy inflammable things, as well as things whose transfer is dangerous for the other postal items, postal equipment and means of transportation or for the health and life of the people and environment (article 24, item 2 of this law);
3. contain drugs, except in the cases established in the article 24, item 3 of this law;
4. contain live animals, except for the bees, leeches or silkworms (article 24, item 4 of this law);
5. according to their package, are dangerous for the operators employee, means or facilities and can make dirty or can damage the other postal items or equipment (article 24, item 5 of this law);
6. contain other things whose turnover is forbidden by Law (article 24, item 6 of this law);

The penalty of 20.000 to 50.000 denars shall be applied for a responsible legal person in the case of violation according to the sentence 1 of this law.

The penalty of 10.000 to 40.000 denars, from sentence 1 of this article, shall be also applied for a natural person.

XIII. TRANSITIVE AND FINAL REGULATIONS

Article 65

- 1) it does not publish information for all users of postal services, according to the article 6, sentence 2 of this law;
- 2) performs postal services not according to the article 7 of this law;
- 3) applies tariffs without consent by the Government of the Republic of Macedonia (article 10, sentence 1);
- 4) as a postal operator, besides PPO, performs non-reserved postal services without having a concession (article 13, sentence 1);
- 5) performs postal services without prior approval for transfer of concession by the Government of the Republic of Macedonia (article 16, sentence 4 of this law);
- 6) issues postal stamps without approval by the Minister of transport and communications (article 19, sentence 2 and 3);
- 7) acts not according to the article 20, sentence 4 of this law;
- 8) acts not according to the article 21 of this law;
- 9) acts not according to the article 22 of this law;
- 10) performs delivery of postal items not according to the conditions established in the article 27, sentence 2 of this law;
- 11) does not leave a notification for the arrival of the registered postal item in the way and under the conditions established in the article 28, sentence 1 of this law;
- 12) does not issue a certificate for the receipt of a registered postal item (article 29);
- 13) does not return a postal item in the cases according to the article 31, sentence 1 of this law;
- 14) does not issue a power of attorney for receipt of registered postal items, not according to the article 34, sentence 2 of this law;
- 15) does not place postal boxes according to the article 35 of this law;
- 16) does not destroy the postal items, i.e. keep the postal items and postal money orders within the terms established in the article 37 sentence 2 and 3 of this law;
- 17) acts not according to the sentence 2 and 5 from the article 39 of this law;
- 18) does not come out for the reality of the complaint according to the article 40, sentence 3 of this law;
- 19) does not act in compliance with the obligations from the decision made by the inspector for postal traffic (article 57); and
- 20) does not make possible for the inspector for postal traffic to enter into the business premises and to have access to the facilities, does not give the inspector the necessary information and documentation and does not give him/her the necessary information and documentation (article 59).

The penalty of 1.000 to 20.000 denars shall be applied for a responsible legal person in the case of violation, according to the sentence 1 of this article.

The penalty of 1.000 to 20.000 denars shall be also applied for a natural person in the case of violation, according to the sentence 1 of this article.

For the violation according to sentence 1 of this article natural person shall be punished with a security measure- prohibition for performing postal services, during a period from three months to one year.

Article 66

The Public enterprise for postal traffic “Makedonska posta” continues to perform operations as a public postal operator, under the conditions and way determined by this law.

Article 67

Regulations and other ordinances established by this law shall be passed within one year following the day this law enters into force.

Until the regulations from sentence 1 of this article are passed, regulations, which were valid till the day when this law entered into force, have to be applied.

Article 68

On the day this law enters into force, the following regulations shall be out of use:

- the law of link systems for radio, postal, telegraph and telephone traffic (“Official Register of SRM No.14/79,26/80 and 10/90 and “Official Register of RM”No.62/93) from the part for the postal traffic;
- the law of postal, telegraph and telephone services (“Official Register of SFRJ” No.2/86 and 26/0).

Article 69

This law shall enter into force on the eight day following the day when it is published in the “Official Register of the Republic of Macedonia”.